

REMARKS

SUMMARY

Reconsideration of the application is respectfully requested. Claims 1-5, 7-18, 20-23, 25, and 26 have been rejected. Claim 27 is new. Claims 1, 14, and 20 have been amended. All amendments are fully supported by the original disclosure, no new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-5, 7-18, 20-23, 25, and 26 were rejected as being obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 7,363,300 issued to Davis et al. (hereinafter “Davis”) in view of U.S. Pub. No. 2008/0097830 to Kim (hereinafter “Kim”). In response, Applicant has amended the independent claims to more clearly recite the invention being claimed. The independent claims have now been amended to recite a method, an article or an apparatus, that among other things, “determin[e] . . . a bidding strategy” where the bidding strategy “direct[s] allocation of monetary resources among [a] plurality of marketing options.” For example, the Application, at page 6, describes an example of creating a bidding strategy created through optimization of models:

The solution to the optimization problem can be a set of marketing purchase decisions or a market budget allocation strategy (also refer to as a bidding strategy) 520 that needs to be executed by the organization.

[Application, at page 6, paragraph 0021.] Later, the Application describes examples of how a bidding strategy may be used to direct the allocation of *monetary resources*.

In various embodiments, the marketing strategy or spending decisions (bidding strategy) 520 may be implemented 522 to make bids 524. . . . *For example, based on the availability of cheaper marketing options 526, a decision may be made to stop an advertising campaign at a specific site or . . . the bid or the maximum cost per click that an organization presumably is willing to pay for a paid listing for a keyword, may be changed, . . .*

[Application, at page 7, paragraph 0041.]

Applicant submits none of the cited references, individually or in combination suggest the claimed method, article and apparatus, when the recitations are viewed as a whole, as required by law. None of the cited references, individually or in combination, teaches or suggests “determining . . . a bidding strategy for a plurality of marketing options,”

where “the bidding strategy directing allocation of monetary resources among the plurality of marketing options.”

In particular, Applicants respectfully traverse the Action’s reliance on the Davis reference. The Davis reference is directed to a system and method for allowing bids for positions on a network search list. [See, Davis, at Abstract.] The Action argues that the Davis’ “search listing” reads on the claims’ “bidding strategy” language. [See, Action, at § 12, page 3.] The Action also argues that Davis’ “rank value” and “change bids function” read on the “allocating resources” language of the claims as then-pending. [See, Action, at § 12, page 3.]

With the instant amendment, these features of Davis do not read on the claim language. With regard to the Davis’ “search listing,” Davis describes a “search listing” as a entry in a search result list which is defined by a promoter. [See, Davis, at column 4, lines 58-63.] With respect to “rank value,” the Action notes “[t]he rank value determines the position where the promoter’s web site description will appear.” [Action, at § 12, page 3-4.] Applicants respectfully note that neither of these features of Davis teaches or suggests “*directing allocation of monetary resources among the plurality of marketing options*” as recited in the claims.

Additionally, while Davis does describe the “Change Bids” function at column 18, Applicants note that this simply allows an advertiser to change a bid of a search listing *after* the advertiser already intends to pay for a new bid. [See, Davis, at column 18, lines 44-52.] These changed bids then affect the ranking of search listings. [See, Davis at column 19, lines 4-22.] Thus, the “Change Bids” feature of Davis appears to be utilized after allocation of monetary resources has been determined, and results not in an allocation of resources, but in revised rankings of search listings. Applicants respectfully note that this feature too does not teach or suggest “*directing allocation of monetary resources among the plurality of marketing options*” as recited in the claims.

Accordingly, for at least the above discussed reasons, independent claims 1, 14 and 20 are patentable over the cited references.

Claims 2-5, 7-13, 15-19, 21-23, and 25-27 depend from either independent claim 1, 14 or 20, incorporating their recitations. Thus, for at least the same reasons, dependent claims 2-5, 7-13, 15-19, 21-23, and 25-27 are also patentable over the cited references.

Dependent claims 2-5, 7-13, 15-19, 21-23 and 25-27 recite additional recitations, and are further patentable over the cited references because of these additional recitations. For examples, claims 7-8 recite a number of objective functions, claims 10-12 recite a number of constraints, and claims 13, 25, and 26 recite bidding based on a bidding strategy. In the Office Action, the Examiner pointed to various teachings in the references as suggesting these recitations. Applicant respectfully disagrees. For example, even assuming the fact that references teach tracking of certain metrics, the references do not suggest to one of ordinary skill in the art to incorporate these tracked metrics into an objective function or a constraint that is employed in determining a bidding strategy for a plurality of marketing options, where the bidding strategy directs allocation of monetary resources among the marketing options. Applicant again respectfully remind the Examiner that under 103 the invention being claimed must be viewed “as a whole” as required by section 103.

CONCLUSION

All pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 622-1711. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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